

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-65 are presently active in this case. The present Amendment amends Claims 44, 46, 48 and 49 and adds Claims 50-65.

The outstanding Office Action rejects Claims 1-11 and 34-49 under 35 U.S.C. §103(a) as unpatentable over Honma (U.S. Patent No. 6,304,313) in view of Safai et al. (U.S. Patent No. 6,167,469, herein “Safai”); and rejects Claims 12-33 under 35 U.S.C. §103(a) as unpatentable over Honma in view of Safai, and further in view of Fellagara et al. (U.S. Patent Publication No. 2001/0015760A1, herein “Fellagara”).

First, Applicant wishes to thank the Examiner Pham and Garcia for the courtesy of an interview granted to Applicant’s representative on March 2, 2005, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, the amended claims appear to be allowable and he would reconsider the outstanding grounds for rejection upon formal submission of a response.

In order to better comply with usual claims drafting practice and for claim consistency, Claims 44, 46, 48 and 49 have been amended to correct minor informalities.

In order to vary the scope of protection recited in the claims, new Claims 50-65 are added. New Claims 50-53 depend upon independent Claims 1, 7, 12 and 48, respectively and recite features regarding a recognizing of a shape of the document to calculate a current angle of photography.¹ New Claims 54-57 depend upon independent Claims 1, 7, 12 and 48, respectively and recite features regarding an user arranging the digital camera such that the angle of photography is substantially perpendicular with respect to the surface of the

¹ See in Applicant’s Specification at page 18, lines 20-24.

document.² New Claims 58-61 depend upon independent Claims 1, 7, 12 and 48, respectively and recite features regarding the detection of the angle of photography in order to minimize distortions.³ New Claims 62-65 depend upon independent Claims 54-57, respectively and recite features regarding the image processing unit not correcting distortions related to the angle of photography.⁴ Since all the new claims find support in the Specification as originally filed, they are therefore not believed to raise any question on new matter.

In response to the rejection of Claims 1-11 and 34-49 under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in Claim 1 relates to a digital camera having a normal photographing mode and a document photographing mode including an angle of photography detection unit which detects an angle of photography with respect to a surface of a document as the subject in the document photographing mode and prevents capturing the image until a suitable angle of photography is detected;

As explained in Applicant's specification from page 16, line 20 to page 19, line 9 with corresponding Figures 5A and 5B, Applicant's invention improves upon conventional digital cameras because in the document photographing mode, the image capturing is prevented until a suitable angle of photography, for example, substantially vertical with respect to the document surface is detected.

Turning now to the applied prior art, the Honma patent discloses a digital camera used in a document processing system, in which a perspective correction is performed on the image data of each of the plurality of images obtained by divisionally sensing the document.

² See in Applicant's Specification from page 18, line 7 to page 19, line 18.

³ See in Applicant's Specification at page 18, lines 7-19.

⁴ See in Applicant's Specification at page 5, lines 15-20, at page 46, lines 6-19 and at page 18, line 7 to page 19, line 18.

Honma, however, fails to teach or suggest Applicant's claimed angle of photography detection feature which detects an angle of photography with respect to a surface of a document in the document photographing mode and prevents capturing the image until a suitable angle of photography is detected.

The outstanding Office Action states that Honma discloses an angle of photography detection feature (the perspective correction processor 109) which detects an angle of photography with respect to a surface of a document and prevents capturing the image until a suitable angle of photography is detected. Applicant respectfully disagrees. Honma does not detect an angle of photography. The outstanding Office Action relies on Honma's text at column 7, lines 3-52. This passage of the Honma recites that "upon confirming completion of image sensing of each tile, the digital camera 101 performs perspective correction in step S204."⁵ Further, Honma teaches that the digital camera corrects the perspective of the entire image such that the displayed correction gauge forms a rectangle.⁶ Reading Honma, a person of ordinary skill in the art would understand that first an image is captured and subsequently the perspective of the image is corrected. Accordingly, capturing an image and subsequently correcting the distortions, as taught in Honma, *is not* preventing the capturing of an image until a suitable angle of photography is detected.

Additionally, Honma even teaches away from such an angle of photography detection feature since the images are captured under any angle of view and subsequently the distortion of the images is corrected. Honma discloses that a camera may capture an image of a document, *while the document is not precisely facing the camera*.⁷ Honma therefore does not need to detect the angle of photography. The Figures 4A-4C in Honma show the correction of the rotation, trapezoidal correction with respect to the horizontal length and

⁵ See Honma at column 7, lines 3-5.

⁶ See Honma at column 7, lines 35-38.

⁷ See Honma at column 1, lines 47-52.

trapezoidal correction with respect to the vertical length of the captured image.⁸ Honma is completely silent on the detection of the angle of photography. Accordingly, the perspective correction processor in Honma is **not** a an angle of photography detection unit, as would be required to meet Applicant's claimed feature in all of the independent Claims 1, 7 12, 18, 23, 29, 34, 39, 44, 46, and 48. Further, Honma does not teach or suggest the features of new Claims 50-65.

Furthermore, Applicant respectfully submits that the applied reference Safai fails to disclose the above feature related to an angle of photography detection unit. Therefore, even if the combination of the Honma and Safai patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed angle of photography detection unit. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.⁹

In response to the rejection of Claims 12-33 under 35 U.S.C. §103(a), the applied references Honma, Safai and Fellegara together also do not disclose the above-mentioned feature on an angle of photography detection feature. Even if the combination of these references is assumed to be proper, Honma, Safai and Fellegara fail to teach or suggest a angle of photography detection feature. Therefore, the rejection of Claims 12-33 is believed to be overcome and Applicant traverses the rejection and requests reconsideration of the rejection of Claims 12-33.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

⁸ See Honma at column 7, lines 12-17 and in Figures 4A to 4C.

⁹ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

condition for formal Allowance. A Notice of Allowance for Claims 1-65 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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